

STATE AGRICULTURE DEVELOPMENT COMMITTEE

CODE OF ETHICS

Arthur R. Brown, Jr., Chairperson
State Agriculture Development Committee

I. PURPOSE

This Code is established and adopted in accordance with the New Jersey Conflicts of Interest Law (N.J.S.A. 52:13D-12 at seg.) and to specify the general standards of conduct necessary for the proper and efficient operation of the State Agriculture Development Committee. This Code of Ethics is adopted to maintain public trust and confidence, and to inform employees and SADC related persons of the standards of conduct expected of them.

II. APPLICABILITY

This Code supersedes all previous SADC codes of ethics, and shall apply to all State officers or employees and all special State officers or employees related to the SADC effective on the date on which it is approved by the Executive Commission on Ethical Standards. All State officers or employees and special State Officers or employees must comply as well with the New Jersey Conflicts of Interest Law and guidelines of the Executive Commission on Ethical Standards.

III. DEFINITIONS

"Ethics Liaison officer" means the Agriculture Retention Program Manager.

"Code" - means this Code of Ethics.

"SADC" means the State Agriculture Development Committee and all programs related thereto which are under the authority of the State Agriculture Development Committee.

"State Officer or Employee" - means any person other than a special State officer or employee employed by the SADC, whether classified or unclassified, provisional or permanent, employed in a full-time status.

"Special State Officer or employee" - means any person holding an office or employment in the SADC for which office or employment no compensation is authorized or provided by law, or

no compensation other than a sum in reimbursement of expenses is provided. Also, any person, not a member of the Legislature, holding a part-time elective or appointive office or employment in the SADC.

"Member **of** the Immediate **Family**" - means the **employee's** spouse, child, parent, or sibling residing in the same household.

"Trade Group" - means an organization which includes interested persons as defined herein and which advocates or represents its members in addressing public issues affecting them.

"Interest" - means the ownership or control of more than 10% of the profits or assets of a business; ownership or control of more than 1% of the profits or stock **in** any casino licensed business or business that is an applicant for a casino license.

"Interested Person" - means (1) any person **who** may reasonably be anticipated to be subject to the regulatory authority of the SADC; or (2) any supplier.

"Person" - means any natural person, association or corporation.

"Supplier" - means any private sector person who is providing or may reasonably be expected to provide goods and services to the SADC, including such persons as consultants, vendors and lessors.

IV. **BASIC POLICY AND STRUCTURE OF THE CODE**

A. General Rule

The SADC is established in the Executive Branch of the State Government and administers the Agriculture Retention and Development Act, N.J.S.A. 4:1C-11 et seq and the Right to Farm Act, N.J.S.A. 4:1C-1 et seq. In addition, the SADC provides staff to the State Transfer of Development Rights Bank. **All State officers** or employees and special State officers or employees must therefore conduct themselves, in the course of their duties, in a manner which fosters the respect, trust and confidence of the public. Each must avoid any activity or association which is, or appears to be, a violation of the public interest or trust.

B. Conflicting Activities

This Code of Ethics embraces three types of activities that could potentially undermine public trust and confidence in the SADC:

1. Activities that so clearly constitute a conflict **of** interest or a violation of public trust **by** the State officer or employee or the special State **officer or employee** that they are expressly prohibited; for example, the solicitation or acceptance of a bribe, gift or valuable favor from any person doing business with the SADC.
2. Activities that may raise questions about the integrity of a State officer or a special State officer or employee; for example, receiving an offer of a bribe, gift, or valuable favor. Although the State officer or employee or special State officer or employee may have done no wrong, he/she is under an obligation to report such activities to the Ethics Liaison Officer.
3. Activities that may result in the appearance of a conflict of interest, such as receiving a complimentary invitation to an event from any person doing business with the SA-DC or engaging in any business or employment that may conflict with the duties of a State officer or employee or a special State officer or employee with the SADC. Employees are required to notify their division director to obtain permission before engaging in such activities.

In any instance in which a State officer or employee or special State officer or employee is not certain what the standard of conduct should be, he/she should seek the advice of the Ethics Liaison Officer.

V. ACCEPTANCE OF GIFTS OR OTHER ITEMS OF VALUE

A. General Rule

It is the policy of the SADC that no State officer or employee or special State officer or employee shall accept or solicit, whether directly or indirectly, any gift, favor, service, employment or other thing of value from any firm, organization, association, or individual doing business with the SADC or from any person who could reasonably be expected to do business with the SADC.

B. Gifts and other Items

Any gift or other thing of value offered by or received from any person, firm or corporation with which a State officer or employee or special State officer or employee has contact in his/her official capacity must be reported and remitted immediately, along with a written report, to the Ethics Liaison Officer. The report shall clearly describe the gift, identify the donor, and set forth the circumstances under which the gift was offered. An immediate determination shall be made by the Ethics Liaison Officer as to whether or not the gift, favor, employment, offer of employment, or other thing of value can be accepted.

It is not necessary to notify the Ethics Liaison Officer of receipt of nominally valued, mass distributed advertising matter such as pens, pencils or calendars. However, advertising matter shall not be displayed or used in such a manner as to denote any kind of endorsement.

All gifts, unless approved by the Ethics Liaison officer, shall be returned to their source with written reaffirmation that such are not appropriate. A record shall be made by the Ethics Liaison Officer of the gift and its disposition.

C. Food, Beverage and Travel

State Officers or employees or special State officers or employees on legitimate State business authorized **by** the SADC are responsible for full payment of the costs of their meals, beverages, lodging, and travel. Upon proper approval, and in accordance with State travel regulations, and in accordance with the specific program funding and reimbursement policies, the State will reimburse the reasonable expenses of the State Officer or employee or special State Officer or employee. They may not accept the same from any interested person, supplier or trade group which is licensed, regulated, inspected, or otherwise doing business with the SADC, contemplating doing such business, or seeking to influence official actions.

A State officer or employee, or special State officer or employee with approval from the SADC to attend an event sponsored by a Federal or non-New Jersey State, County or Municipal government agency, instrumentality or organization may be reimbursed **by** the sponsoring agency for reasonable expenses incurred.

A State officer or employee or special State **officer or employee who wishes** to attend **an** event in his/her private capacity may be directly reimbursed by the organization for reasonable expenses under the following circumstances.

1. If the event of an organization not specifically licensed nor significantly nor substantially Regulated **by** a State officer's or employee's or special State officer's or employee's agency, or with which the officer or employee has not had, does not have or is not reasonably expected to have dealings in the course of his/her official duties;
2. An event of an organization a majority of whose members are not licensed nor regulated **by** said agency, or with whom the officer or employee has not had, does not have, dealings in the course of his/her official duties.

D. Services, Special Treatment and Favors

The acceptance by a State officer or employee or special State officer or employee or through members of their immediate family or through any partner or associate of any gifts, preferential loans, services at preferential rates, discounts, gratuities, and/or anything of monetary value from a person doing business with the SADC, or the granting of special treatment or favors to such persons for the purpose of obtaining personal gain is prohibited.

E. Business Related Functions

Any State officer or employee or special State officer or employee who receives an invitation to any business-related function (such as a conference, ground-breaking, ribbon cutting, meal, open house, cocktail party, fund-raiser, holiday party or other social function, an appearance involving an honorarium,

etc.) from or with a firm or person doing business with the SADC or contemplating doing business with the SADC, shall report the invitation to his/her division director. A determination will then be made after taking into account appropriate Guidelines of the Executive Commission on Ethical Standards in consultation with appropriate persons, as to whether (1) representation of the SADC is appropriate, (2) acceptance of the invitation is in conflict with the Code, or (3) the SADC should underwrite the costs incurred for participation in the activity as an alternative to accepting the invitation as offered. The Ethics Liaison Officer is available for consultation as needed.

VI. **CONFLICT OF INTEREST**

A. **General Rule**

No State officer or employee or special State officer or employee shall have any interest, financial or otherwise, direct or indirect, or engage in any business, transaction or professional activity, which is in conflict with or could appear to be in conflict with the proper discharge of his/her duties.

No State officer or employee or special State officer or employee shall knowingly act in any way that might reasonably be expected to create an impression or suspicion among the public that he/she may be engaged in conduct that may be in violation of his/her trust as a public employee.

B. **Contracting with the State**

1. No State Officer or employee shall knowingly himself, or by his partners or through any corporation which he controls or in which he owns or controls more than 1% of the stock, or by any other person for his use or benefit or on his account, undertake or execute, in whole or in part, any contract, agreement, sale or purchase of the value of \$25 or more, made, entered into, awarded or granted by any State agency, except as provided in sub paragraph 2 of this section. No special State officer or employee having any duties or responsibilities in connection with the purchase or acquisition of property or services by the State agency

where he is employed or an officer shall knowingly himself, by his partners or through any corporation which he controls or in which he owns or controls more than 1% of the stock, or by any other person for his use or benefit or on his account, undertaken or execute, in whole or in part, any contract, agreement, sale or purchase of the value of \$25 or more, made, entered into, awarded or granted by that State agency, except as provided in subparagraph 2 of this section. The restriction contained in this subparagraph shall apply to the contracts of interstate agencies to the extent consistent with law only if the contract, agreement, sale or purchase is undertaken or executed by a New Jersey member to that agency or by his partners or a corporation in which he owns or controls more than 1% of the stock.

2. The New Jersey Conflicts of Interest Law exempts only three categories of contracts from the general prohibition. Before entering into a contract falling within any of these categories, approval must be obtained from the Executive Commission on Ethical Standards through the Ethics Liaison Officer. The three categories of contracts are:
 - a. those purchases, contracts, agreements, or sales that are made after public notice and competitive bidding;
 - b. those that may be awarded without public advertising and competitive bidding pursuant to Section 5 of Chapter 48 of the Laws of 1944 (N.J.S.A. 52:34-10); and
 - c. any contract of insurance entered into by the Director of the Division of Purchase and Property, Department of the Treasury, pursuant to Section 10 of Article 6 of Chapter 112 of the Laws of 1944 (N.J.S.A. 52:27B-62).

3. No State officer or employee or special State officer or employee shall act as an officer or agent of a State agency for the transaction of any business with himself/herself or with a corporation, company, association, or firm in which he/she has an interest in the pecuniary profits. No State officer or employee or special State officer or employee of the SADC shall act in his/her official capacity in any matter wherein he/she has a direct or indirect personal financial interest that might be expected to impair his/her objectivity or independence of judgment.
4. No State officer or employee shall represent, appear for, or negotiate on behalf of, or agree to represent, appear for, or negotiate on behalf of, whether by himself or by or through any partnership, firm or corporation in which he has an interest or by any partner, officer or employee of any such partnership, firm or corporation any person or party other than the State in any negotiations for the acquisition or sale by the State or a State agency of any interest in real or tangible or intangible personal property, or in any proceedings relative to such acquisition or sale before a condemnation commission or court; provided, however, nothing contained in this section shall be deemed to prohibit any person from representing himself in negotiations or proceedings concerning his own interest in real property.

C. Appearance Before the State and the SADC

1. No special State officer or employee, nor any partnership, firm or corporation in which he has an interest, nor any partner, officer or employee of any such partnership, firm or corporation, shall represent, appear for, or negotiate on behalf of, or agree to represent, appear for or negotiate on behalf of, any person or party other than the State in connection with any cause, proceeding, application or other matter pending before the particular **office**, bureau, board, council, commission, authority, agency, fund or system in which such special State officer or employee holds office or employment.
2. No State officer or employee, nor any partnership, firm or corporation in which he has an interest, nor any partner, officer or employee of any such partnership, firm or corporation, shall represent, appear for, or negotiate on behalf of, or agree to represent, appear for, or negotiate on behalf of, any person or party other than the State in connection with any cause, proceeding, application or other matter pending before any State agency.

3. Nothing contained in this section shall be deemed to prohibit any State officer or employee or special State officer or employee from representing, appearing for or negotiating on behalf of, or agreeing to represent, appear for, or negotiate on behalf of, any person or party other than the State in connection with any proceeding pending before any court of record of this State, any proceeding in regard to a claim for compensation arising under chapter 15 of Title 34 of the Revised Statutes (Workers' Compensation), any proceeding in connection with the determination or review of transfer inheritance or estate taxes, any proceeding in connection with the filing of corporate or other documents in the office of the Secretary of State, any proceeding before the Division on Civil Rights, the New Jersey Board of Mediation or the New Jersey Public Employment Relations Commission, the Unsatisfied Claim and Judgment Fund Board solely for the purpose of filing a notice of intention pursuant to P.L. 1952, c. 174, s. 5 (C.39:6-65), or any successor thereof or any proceeding on behalf of a county, municipality or school district, or any authority, agency or commission of any thereof except where the State is an adverse party in the proceeding and provided he is not holding any office or employment in the State agency in which any such proceeding is pending.

D. Sale of Development Easements or Fee Simple Property

No State officer or employee or special State officer or employee shall sell and/or apply to sell development easements on his/her property, pursuant to the Agriculture Retention and Development Act. No State officer or employee or special State officer or employee shall sell his/her property in fee simple to the SADC pursuant to the Agriculture Retention and Development Act.

VII. MISUSE OF OFFICIAL POSITION OR PROPERTY

A. General Rule

1. No State officer or employee or special State officer or employee shall use or attempt to use his/her official position with the SADC to secure unwarranted privileges, advantages or benefits for oneself, ones family or for others. For example, this would include all aspects of personnel and fiscal management and administration.
2. No State officer, employee or special State officer shall **Use** or disclose for another's use, whether or not for direct or indirect monetary gain, any information not generally available to members of the public which he/she acquires by reason of his/her official duties.

B. USE OF SADC PROPERTY

Each employee or State officer shall use the property and funds under his/her official control in strict accordance with prescribed procedures in meeting public program goals. SADC property, equipment, funds, or other assets shall be used only for SADC business, and not for personal use.

VIII. OUTSIDE EMPLOYMENT AND ACTIVITIES

A. General Rule

No State officer or employee or Special State officer or employee shall accept employment or render services for any private or public interest whether compensated or not when that employment or service is incompatible with or in conflict with the discharge of his/her official duties; or when that employment may tend to impair his/her objectivity or independence of judgment in the performance of such duties.

In addition, the hours of outside employment shall not conflict with the work hours required for the discharge of official duties.

B. Approval for all Employment

All outside employment and/or business interest by a State officer or employee whether compensated or not, must be disclosed in writing on the SADC's Outside Employment or Business Approval Request form, and is subject to approval **by** the SADC Executive Director and the Ethics Liaison officer Prior to being undertaken. **All** outside employment disclosures will be forwarded to the Executive Commission on Ethical Standards. Service for any other State, county, regional or municipal government body, agency, commission, department or board, whether compensated or not, is also considered employment.

In order to be approved, outside employment must be limited in scope to avoid the potential for having any dealings with entities or individuals or subsidiaries or affiliates who have business dealings with the SADC, or who are likely to have business dealings with the SADC. In this regard, business dealings include direct dealings as a contractor or vendor or indirect dealings as a subcontractor, architect, engineer, accountant, attorney or any other role. The State officer or employee shall not use his/her official position to obtain outside employment.

C. Notification of Relative's Employment

Each employee or State officer is required to notify the Ethics Liaison officer through the SADC Executive Director regarding any member of their immediate family employed by a contractor, consultant, vendor or any other company or firm doing business with the SADC. Such notification shall be provided in writing on the SADC's Outside Employment or Business Approval Request form.

D. Notification of License

No State officer or employee or special State officer or employee shall engage in any particular business, profession, trade or occupation which is subject to licensing or regulation by a specific agency of State Government, without promptly filling notice of such activity with the Executive Commission on Ethical Standards.

Such licenses shall include, but are not limited to, those for accountants, architects, attorneys, electricians, insurance brokers, counselors, land surveyors, physicians, plumbers, professional engineers, professional planners, real estate agents and brokers, veterinarians etc.

E. Questions About Employment

Questions concerning possible conflicts of both outside employment as well as outside uncompensated activities should be addressed to the Ethics Liaison Officer. Any advisory opinions rendered by the Ethics Liaison Officer will be forwarded to the Executive Commission on Ethical Standards for approval, disapproval, or modification.

IX. **POST EMPLOYMENT RESTRICTIONS**

A. General Rule

No State Officer or employee or special State officer or employee, subsequent to the termination of his/her office or employment in any State agency, shall represent, appear for, negotiate on behalf of, or provide information not generally available to members of the public, or services to, or agree to represent, appear for, negotiate on behalf of, or provide information not generally available to members of the public or services to, whether by himself or through any partnership, firm or corporation in which he has an interest or through any partner, officer or employee thereof, any person or party other than the State in connection with any cause, proceeding, application or other matter with to which such State officer or employee or special State officer or employee shall have made any investigation, rendered any ruling, given any opinion, or been otherwise substantially and directly involved at any time during the course of his/her office or employment.

Questions concerning possible post-employment conflicts should be addressed to the Ethics Liaison Officer through the SADC Executive Director prior to termination **of** employment.

B. Retirement Gift Restriction

There are two approved alternatives related to funding a retirement gift for a retiree, spouse or dependent.

- a. **There may be a maximum contribution of \$5 per person who attends a retirement function, exclusive of costs of function. No maximum value is set for gift cost; or**
- b. The maximum value of a gift cannot exceed \$1,000 with no maximum set on individual contributions.

However, if a decision is made to donate to a 501 C-3 organization, no limit is placed on the contribution.

X. **SPECIAL CASINO RELATED CONSIDERATIONS**

A. General Policy

1. Application

As used in this section "person" means any State officer or employee subject to financial disclosure by law or executive order and any other State officer or special State officer or employee with responsibility for matters affecting casino activity; the head of a principal department; the assistant or deputy heads of a principal department; including all assistant and deputy commissioners; the head of any division of a principal department.

2. Concurrent Casino Employment Restrictions

No State officer or employee, nor any person, nor any member of the immediate family of any State officer or employee, or person, nor any partnership, firm or corporation with which any such State officer or employee or person is associated or in which he has an interest, nor any partner, officer, director or employee while he is associated with such partnership, firm, or corporation, shall hold, directly or indirectly, an interest in, or hold employment

with, or represent, appear for, or negotiate on behalf of, any holder of, or applicant for, a casino license, or any holding or intermediary company with respect thereto, in connection with any cause, application, or matter, except that a member of the immediate family of a State officer or employee, or person, may hold employment with the holder of, or applicant for, a casino license if, in the judgment of the Executive Commission on Ethical Standards, such employment will not interfere with the responsibilities of the State officer or employee, or person, and will not create a conflict of interest, or reasonable risk of the public perception of a conflict of interest, on the part of the State officer or employee, or person. No special State officer or employee without responsibility for matters affecting casino activity, excluding those serving in the Departments of Education, Health, Higher Education and Human Services, shall hold, directly or indirectly, an interest in, or represent, appear for, or negotiate on behalf of, any holder of, or applicant for, a casino license, or any holding or intermediary company with respect thereto, in connection with any cause, application, or matter. However, a special State officer or employee without responsibility for matters affecting casino activity may hold employment directly with any holder of or applicant for a casino license or any holding or intermediary company thereof and if so employed may hold, directly or indirectly, an interest in, or represent, appear for, or negotiate on behalf of, his employer, except as otherwise prohibited by law.

3. Post Employment Casino Restrictions

No person or any member of his immediate family, nor any partnership, firm or corporation with which such person is associated or in which he has an interest, nor any partner, officer, director or employee while he is associated with such partnership, firm or corporation, shall, within two years next subsequent to the termination of the

office or employment of such person, hold, directly or indirectly, an interest in, or hold employment with, or represent, appear for or negotiate on behalf of, any holder of, or applicant for, a casino license in connection with any cause, application or matter, or any holding or intermediary company with respect to such holder of, or applicant for, a casino license in connection with any phase of casino development, permitting, licensure or any other matter whatsoever related to casino activity except that a member of the immediate family of a person may hold employment with the holder of, or applicant for, a casino license if, in the judgment of the Executive Commission on Ethical Standards, such employment will not interfere with the responsibilities of the person and will not create a conflict of interest, or reasonable risk of the public perception of a conflict of interest, on the part of the person.

4. Exception

This section shall not apply to the spouse of a State officer or employee, which State officer or employee is without responsibility for matters affecting casino activity, who becomes the spouse subsequent to the State officer's or employee's appointment or employment as a State officer or employee and who is not individually or directly employed by a holder of, or applicant for, a casino license, or any holding or intermediary company.

XI. **POLITICAL ACTIVITY PROHIBITIONS**

No State Officer or employee shall directly or indirectly use or seek to use his/her authority or the influence of his/her position to control or modify the political action of another person. No employee or State officer, during the hours of duty, shall engage in political activity, nor shall he/she at any other time participate in political activities which would impair his/her usefulness in the position in which he/she is employed. Each employee or State officer retains the right to vote as he/she chooses and to express his/her opinions on political subjects and candidates. (See also Federal Hatch Act Restrictions.)

XII. VIOLATIONS AND SANCTIONS

Any State officer or employee or special State Officer or employee who violates this Code of Ethics may be subject to sanctions in accordance with the Conflicts of Interest Law (N.J.S.A. 52:13D-12 et seq.). Such sanctions include fines, prison terms, removal or suspension from office and ineligibility for future State employment. In addition to the above, SADC employees or State officers who violate this Code of Ethics are also subject to disciplinary action by the Department. Given the severe consequences of violating this Code, each employee or State officer is advised to strictly adhere to the Code and seek advice from the Ethics Liaison Officer if he/she has any questions concerning his/her obligations under the Code.

XIII. ETHICS LIAISON OFFICER

For purposes of resorting, notification or inquiries, the Ethics Liaison Officer may be contacted by mail or telephone as follows:

Name:	Robert J. Baumley
Address:	State Agriculture Development Committee CN 330 Trenton, New Jersey 08625-0330
Phone:	(609) 984-2504